

**SEALED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**THE UNITED STATES OF AMERICA,  
And THE STATES OF OKLAHOMA and  
TENNESSEE, ex rel. CHRIS PHILLIPS,**

**Plaintiffs,**

**V.**

- 1) STEPHEN L. LAFRANCE  
HOLDINGS, INC.,**
- 2) SUPER D DRUGS ACQUISITION  
CO.,**
- 3) STEPHEN L. LAFRANCE  
PHARMACY, INC.,**
- 4) ARCADIA VALLEY DRUG CO.,**
- 5) CONSOLIDATED STORES, INC.,**
- 6) DALECO, INC.,**
- 7) PHARM-MART PHARMACY OF  
WARREN, INC.,**
- 8) RICH MOUNTAIN  
PHARMACEUTICAL  
SERVICES, INC.,**
- 9) S&W PHARMACY, INC.,**
- 10) USA DRUG & BEAUTY  
MARKET FRANCHISING  
SYSTEM, INC.,**
- 11) MAY'S DRUG STORES, INC.,**
- 12) MED-X COPORATION, and**
- 13) WALGREEN CO.,**

**Defendants.**

**No. 14-cv-567 CVE-PJC**

**SEALED**

**THE PLAINTIFF STATES' NOTICE OF DECLINATION**

Pursuant to their respective state statutes, the States of Oklahoma and Tennessee ("the States") hereby notify the Court of their respective decisions to not intervene in this action.

Relator filed this action under the Federal False Claims Act and similar state statutes, the Oklahoma Medicaid False Claims Act and the Tennessee Medicaid False Claims Act. The State

of Tennessee has asked undersigned counsel for the State of Oklahoma to inform the court that they have decided not to intervene in this action.

Pursuant to their respective False Claims Acts, the States request that all pleadings filed in this declined action be served upon the States. The States also request that orders issued by the Court be sent to the States' counsel. The States reserve the right to order any deposition transcripts, to intervene in this action for good cause at a later date, and to seek the dismissal of the Relator's action or claim. The States also request that it be served with all notices of appeal.

Although the States decline to intervene at this time, they respectfully refer the Court to 63 O.S. § 5053.3(B)(1), and the analogous Tennessee statute, which allows the action to be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting. Therefore, the States request that, should either the Relator or the Defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court require the litigants to solicit the written consent of the States, and to provide the States with notice and an opportunity to be heard, before ruling or granting its approval

A proposed Order accompanies this Notice.

Dated: April 30, 2018

Respectfully Submitted,

MIKE HUNTER  
Oklahoma Attorney General

  
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**Attorney for the State of Oklahoma and on  
behalf of the State of Tennessee**

**Certificate of Service**

I hereby certify that on April 30, 2018, a copy of the foregoing document was filed with the Clerk of Court via paper filing. I certify that on April 30, 2018, I served the same document by Email on the following:

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Niki S. Batt